

REMARKS

Claims 2-16 and 19-34 are pending in the present application, claims 1, 17 and 18 having been cancelled, new claims 33 and 34 having been added by this Amendment. Claims 28-32 have been allowed. Reconsideration in view of the following arguments is kindly requested.

Allowable Subject Matter

Applicants acknowledge the indication that claims 28-32 are allowed and that claims 3-9, 13-15, 18-23 and 25-27 include allowable subject matter and would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claims. By this Amendment, Applicants have rewritten claim 3 into independent form to include the subject matter indicated allowable by the Examiner, and has also amended claim 16 for form to include the allowed subject matter from dependent claim 18.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 10, 11, 12, 16, 17 and 24 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ariyoshi et al. (US Patent Publication No. 2002/0021682). This rejection is respectfully traversed.

Initially, the rejections to claims 1 and 17 are now moot, as these claims have been cancelled. With regard to independent claims 3 and 16, Applicants submit that Ariyoshi fails to teach or suggest applying link quality measurements to a bit error rate (BER)-based and block error rate (BLER)-based power step calculation techniques in order to determine an adjustment to transmitted power level, as recited in each of these claims. This is a feature the Examiner has already indicated as being allowable, therefore, withdrawal of the rejection and allowance of each of claims 10, 11, 12, 16 and 24, and those claims dependent on either claims 3 or 16 is kindly requested.

Claim Rejections – 35 U.S.C. § 103

Claim 2 stands rejected under 35 U.S.C. § 103(a) as allegedly being upatentable over Ariyoshi in view of Mizell (USP 6,731,617).

By this Amendment, Applicants submit as claim 3 contains allowable subject matter, claim 2, which now depends on claim 3, should be indicated as allowable as depending upon an allowable independent claim. Withdrawal of the rejection is kindly requested.

CONCLUSION

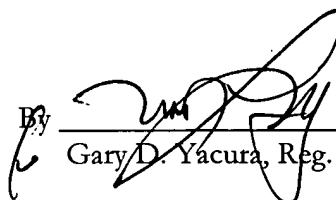
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 2-16 and 19-34 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig at (703) 668-8026.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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